

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN THE MATTER OF

KEVIN CHIDLEY
LISA CHIDLEY,

DEBTORS

IN PROCEEDINGS
UNDER CHAPTER 7

CASE NO. 19-80578
JUDGE: Lynch

NOTICE OF MOTION

Notified via Electronic Filing

U.S. Trustee, 780 Regent St., Suite 304, Madison, WI 53715
Richard J. Mason, 77 W Wacker Dr, Ste 4100, Chicago, IL 60601
Bernard J Natale, 1639 N Alpine Rd, Suite 401, Rockford, IL 61107

Notified via US Postal Service

Kevin Chidley, 1212 14th St, Rochelle, IL 61068
Lisa Chidley, 1212 14th St, Rochelle, IL 61068

On June 12, 2019, at 9:00 a.m. or as soon thereafter as I may be heard, I shall appear before The Hon. Thomas M. Lynch, First Floor Courtroom at the United States Bankruptcy Court, 327 South Church Street, Courtroom - Rm. 3100, Rockford, IL 61101 or before any other judge who may be presiding in his stead and shall present the accompanying motion.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be sent to the Debtors at the address listed below. Said copy was placed in an envelope addressed as listed below and placed in the U.S. Mail on May 24, 2019, with first class postage prepaid. All other parties entitled to notice received such notice electronically, through the office of the Clerk of the Court.

Respectfully Submitted,

/s/ Richard B. Aronow

Mike Kalkowski ARDC #6185654
Richard B. Aronow ARDC# 03123969
Michael N. Burke ARDC#6291435
Shapiro Kreisman & Associates, LLC
2121 Waukegan Road, Suite 301
Bannockburn, IL 60015
(847) 291-1717
19-090599

The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Nationstar Mortgage LLC d/b/a Mr. Cooper, by and through its attorneys, Shapiro Kreisman & Associates, LLC, and moves this Court for the entry of an order modifying the automatic stay, pursuant to 11 USC 362(d) and in support thereof states as follows:

1. The Debtors filed a Chapter 7 Petition on March 15, 2019.
2. That the Movant is a creditor of the Debtors', pursuant to a note secured by a mortgage on the real property commonly known as: 1212 14th St, Rochelle, IL 61068.
3. The Debtors are in default under the terms of the note and the mortgage for failure to make the installment payment that came due on April 1, 2019, in the amount of \$647.94 and each subsequently accruing monthly installment. That default does not include attorneys' fees, costs of collection and other advances and it does not constitute reinstatement.
4. The indebtedness due Movant as of May 2, 2019, was \$86,022.72, after applying all offsets and credits due the Debtors.

5. The Debtors' Schedules suggest that the property has a fair market value of approximately \$225,000.00.
6. A title search has disclosed that, in addition to the lien running in favor of the Movant, the property is subject to a junior lien in favor of Holcomb State Bank. The loan secured by that lien was written in the amount of \$212,523.00 on September 28, 2017.
7. The Debtors have claimed an exemption in up to \$30,000.00 in equity in the subject property.
8. Attached are redacted copies of any documents that support the Movant's claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.
9. The Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.
10. The Movant lacks adequate protection in that there is no equity in the premises and that the Debtors are not making payments to the Movant as required by the mortgage and note.
11. The subject property is not necessary for an effective reorganization and the Movant is entitled to relief pursuant to 11 USC 362(d).
12. The Movant wishes to be reimbursed for the costs and attorneys' fees of filing

this motion.

13. For the reasons set forth above, it would be inequitable to delay the enforcement of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, Nationstar Mortgage LLC d/b/a Mr. Cooper prays that this Court enter an order modifying the automatic stay to allow said creditor to foreclose the mortgage or, in its sole discretion, to accept a short sale or deed in lieu of foreclosure on the property known as: 1212 14th St, Rochelle, IL 61068; and that Federal Bankruptcy Rule 4001(a)(3) be waived.

Respectfully submitted,

/s/ Richard B. Aronow
Attorney for Nationstar Mortgage LLC d/b/a Mr.
Cooper

Mike Kalkowski ARDC #6185654
Richard B. Aronow ARDC# 03123969
Michael N. Burke ARDC#6291435
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